

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
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Applicant(s): Yee-Chung Fu

Assignee: Advanced Nano Systems, Inc.

OCT 03 2005

Amended Title: MEMS Scanning Mirror with Trenched Surface and Tapered Comb
Teeth for Reducing Inertia and Deformation

Serial No.: 10/779,952

Filing Date: February 13, 2004

Examiner: Allan R. Wilson

Group Art Unit: 2815

Docket No.: ANS-P105

San Jose, California
October 3, 2005Special Processing Submission
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450**PETITION UNDER 37 C.F.R. § 1.313(c)(2) TO WITHDRAW
AN APPLICATION FROM ISSUE**

Dear Sir:

Applicant respectfully petitions to withdraw the present application from issue so the Examiner can consider a Request for Continued Examination under 37 C.F.R. § 1.114 and an amendment in response to an August 18, 2005 Notice of Drawing Inconsistency with Specification.

The Petition Fee

The Commissioner is hereby authorized to charge our credit card the petition fee of \$130.00, being the amount specified in 37 C.F.R. 1.17(h), as indicated in the accompanying transmittal letter.

Good and Sufficient Reasons for Withdrawal of the Application from Issue

The USPTO issued a Notice of Allowance on April 22, 2005 for the present application. Applicant paid the issue fee on July 19, 2005. The USPTO then issued a Notice of Drawing Inconsistency with Specification on August 18, 2005 stating that Fig. 8 was in the drawings but not

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listed in the Brief Description of the Drawings in the specification. The Notice of Drawing Inconsistency provided a response period of the longer of one month or thirty days from the mailing date of the Notice.

In an attempt to respond to the Notice of Drawing Inconsistency, Applicant filed an Amendment Under Rule 1.312(a) on September 13, 2005 to amend the Brief Description of the Drawings. The USPTO issued a Response to Rule 312 Communication on September 28, 2005 disapproving Applicant's amendment because it was made after the payment of the issue fee. By that time, the response period for the Notice of Drawing Inconsistency had passed and the present application became unintentionally abandoned.

After consulting with both the Examiner and the Office of Petition, Applicant learned that the proper response to the Notice of Drawing Inconsistency would have been to file a petition to withdraw the present application from issue along with a Request for Continued Examination and an amendment to correct the Brief Description of the Drawings. Accordingly, Applicant has filed a petition to revive the present application along with the present petition, a Request for Continued Examination, and an amendment to correct the Brief Description of the Drawings.

Accordingly, Applicant respectfully requests that this application be withdrawn from issue so the Applicant can correct the Brief Description of Drawings in the specification. Please direct any questions or comments to the undersigned at (408) 382-0480x206.

Certification of Facsimile Transmission	
I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.	
	10/3/2005
Signature	Date

Respectfully submitted,



David C. Hsia
Attorney for Applicant(s)
Reg. No. 46,235